

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JUSTIN E. FAIRFAX,

Plaintiff,

v.

**CBS CORPORATION and CBS
BROADCASTING INC.,**

Defendants.

Case No. 1:19-cv-01176-AJT-MSN

**CONSENT MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants CBS Broadcasting Inc. and CBS Corporation (together, “CBS”), by and through their undersigned counsel, and with the consent of Plaintiff Justin E. Fairfax, respectfully submit this Motion for Leave to File Notice of Supplemental Authority pursuant to Local Rule 7(F)(1) and Federal Rule of Civil Procedure 28(j).

In its Reply Memorandum of Points and Authorities in Support of Defendants’ Motion to Dismiss (Dkt. 37), CBS cited a recent district court opinion dismissing a defamation claim for failure to plead actual malice. *See* Reply Mem. at 18 (citing *Arpaio v. Cottle*, No. 18-cv-02387 (APM), 2019 U.S. Dist. LEXIS 134604, at *12 (D.D.C. Aug. 9, 2019)). This week the district court in that case issued an order denying plaintiff’s motion for leave to file an amended complaint, which further supports CBS’s Motion to Dismiss.

Counsel for CBS conferred with counsel for Plaintiff regarding the relief requested herein. As noted above, Plaintiff’s counsel stated that Plaintiff Justin E. Fairfax consents to the filing of this supplemental authority.

CBS attaches the order as Exhibit A and respectfully requests that the Court grant this motion for leave to file this supplemental authority.

Dated: December 4, 2019

Respectfully submitted,

BALLARD SPAHR LLP

By /s/ Matthew E. Kelley

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*Counsel for Defendants CBS Corporation
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CERTIFICATE OF SERVICE

I certify that on December 4, 2019, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to all interested parties.

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